

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 27, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 20, 2005.**

MOTION: Stevens moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated September 20, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

2) **SPECIAL PRESENTATIONS:**

A. A resolution in the matter of recognizing agencies and individuals responding to the water main break at the Hall of Justice on September 14, 2005. (R-05-0123)

The Deputy Clerk read Resolution 05-123 into the record.

MOTION: Workman moved and Heier seconded approval of Resolution 05-0123 in the matter of recognizing agencies and individuals responding to the water main break at the Hall of Justice on September 14, 2005. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **CLAIMS: Approval of all claims processed through Tuesday, September 27, 2005.**

MOTION: Workman moved and Schorr seconded approval of all claims processed through September 27, 2005. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. Creation of a Joint Public Agency (JPA). The Joint Public Agency is being created to provide for the design, acquisition of land, and construction of improvements for the Rural to Urban Roadway Transition Streets Program (RUTS) and the design and acquisition of land for the East Beltway. The public agencies initially participating in the Joint Public Agency are Lancaster County and the City of Lincoln. (See New Business Item 5A for correlating resolution.)

The Chair opened the public hearing and asked if anyone wished to speak in favor of the proposal.

Proponents

The Deputy Clerk administered the oath to Don Thomas, County Engineer.

Thomas stated he supports the joint public agency, the concept of the Rural to Urban Roadway Transition Streets Program (RUTS) and the design and acquisition of right-of-way for the East Beltway. He stated between the City Council and County Board the idea of RUTS has been well received, however, the problem is funding. Thomas stated he feels property tax would not be the correct choice for funding.

The Chair asked if anyone else wished to testify in favor of the proposal.

No one appeared.

Schorr asked what qualifies roadways to be designated for RUTS. She also inquired about the governing body.

Thomas stated they would be determined by traffic counts.

4) **PUBLIC HEARINGS CONTINUED:**

In response to the question about the governing body, Thomas stated it would operate similar to the Railroad Transportation Safety District (RTSD). He stated the governing body would consist of two County Commissioners and two City Council members, with Roger Figard, City Engineer, and himself as co-managers.

The Chair asked if anyone wished to testify in opposition.

Opposition

The Deputy Clerk administered the oath to each of the following individuals who appeared in opposition and who addressed concerns regarding lack of a business plan, no income specified/limited funding, control of the agency, operation of the JPA and better notification to rural residents:

- ▶ Eric Johnson, Chairman of the Board of Trustees for the Village of Panama
- ▶ Richard Barta, 4400 West Branched Oak Road, Raymond, Nebraska
- ▶ John Hestermann, President of Waverly City Council, 14140 Heywood Street, Waverly, Nebraska
- ▶ Larry Moormeier, 26200 South 54th Street, Firth, Nebraska

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

5) **NEW BUSINESS:**

A. A resolution regarding the creation of a joint public agency as provided by the Joint Public Agency Act with the participation of the County of Lancaster and the City of Lincoln. The Joint Public Agency is being created to provide for the design, acquisition of land and construction of improvements for the Rural to Urban Roadway Transition Streets Program (RUTS) and the design and acquisition of land for the East Beltway. (R-05-0109)

MOTION: Stevens moved and Schorr seconded approval of Resolution 05-0109 regarding the creation of a joint public agency as provided by the Joint Public Agency Act with the participation of the County of Lancaster and the City of Lincoln.

5) **NEW BUSINESS CONTINUED:**

Heier requested that the issue relating to the East Beltway be a separate motion.

Kristy Mundt, Deputy County Attorney, indicated the purposes could not be separated.

Discussion followed regarding separation of the design and acquisition of land and construction of improvements for the Rural to Urban Roadway Transition Streets Program (RUTS) from the design and acquisition of land for the East Beltway.

ROLL CALL: Schorr and Stevens voted yes. Heier abstained from voting due to a conflict of interest regarding the East Beltway. Workman and Hudkins voted no. Motion failed.

Schorr requested that an item be placed on the staff meeting agenda for Thursday, September 29, 2005 to schedule a work session to be held on a Tuesday morning to discuss other options regarding the Rural to Urban Roadway Transition Streets Program (RUTS).

Heier stated that there should be a clear definition of the Joint Public Agency.

B. An application for a Special Designated License from Slapshotz Bar & Grill to provide liquor beverage service at an adult softball league tournament on Saturday, October 15, 2005, from 10 a.m. to 10 p.m., at the Star City Optimist Youth Foundation located at 5300 South Folsom, Lincoln, Lancaster County, Nebraska.

MOTION: Stevens moved and Schorr seconded approval of an application for a Special Designated License from Slapshotz Bar & Grill for liquor beverage service on October 15, 2005 at the Star City Optimist Youth Foundation located at 5300 South Folsom, Lincoln, Lancaster County, Nebraska. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

C. A grant contract with Legal Aid of Nebraska for funding for the Domestic Violence Project, in the amount of \$29,050. Term of the grant contract is July 1, 2005 through June 30, 2006. (C-05-0490)

This item was held at the request of the County Attorney's Office.

5) **NEW BUSINESS CONTINUED:**

D. A grant contract with Heartland Big Brother/Big Sisters for client services, in the amount of \$15,000. Term of the grant contract is July 1, 2005 to June 30, 2006. (C-05-0491)

MOTION: Stevens moved and Schorr seconded approval of a grant contract with Heartland Big Brother/Big Sisters for client services, in the amount of \$15,000. Term of the grant contract is July 1, 2005 to June 30, 2006. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

E. An agreement with the Lancaster County Medical Society (LCMS) to enroll qualified Lancaster County General Assistance clients in national pharmaceutical discount programs and to provide related services, including the training of General Assistance caseworkers. Term of the agreement is July 1, 2005 through June 30, 2006. The County will reimburse LCMS based upon the established rates for each discount program and \$2,000 per month for related services. (C-05-0492)

MOTION: Workman moved and Heier seconded approval of an agreement with the Lancaster County Medical Society (LCMS) to enroll qualified Lancaster County General Assistance clients in national pharmaceutical discount programs and to provide related services, including the training of General Assistance caseworkers. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

F. Utility Permit No. 773 for the City of Lincoln Wastewater System for the installation of a sewer line on South 27th Street and Rokeby Road. (C-05-0493)

MOTION: Stevens moved and Workman seconded approval of Utility Permit No. 773 for the City of Lincoln Wastewater System for the installation of a sewer line on South 27th Street and Rokeby Road. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

G. A resolution in the matter of establishing a policy regulating dress requirements in Lancaster County buildings. (R-05-0124)

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded approval of Resolution of-0124 in the matter of establishing a policy regulating dress requirements in Lancaster County buildings. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

H. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Nebraska Equipment, Inc. for one used 120 PTO tractor, in the amount of \$25,500. (B-05-0034)

MOTION: Stevens moved and Workman seconded approval to award a bid to Nebraska Equipment, Inc. for one used 120 PTO tractor, in the amount of \$25,500 as recommended by the Purchasing Agent and the County Engineer. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

Gwen Thorpe, Deputy Chief Administrative Officer, indicated that the County Board should make a motion denying Resolution 05-0109 regarding the creation of a joint public agency (New Business Item 5A).

RETURNING TO NEW BUSINESS ITEM 5A:

A resolution regarding the creation of a joint public agency as provided by the Joint Public Agency Act with the participation of the County of Lancaster and the City of Lincoln. The Joint Public Agency is being created to provide for the design, acquisition of land and construction of improvements for the Rural to Urban Roadway Transition Streets Program (RUTS) and the design and acquisition of land for the East Beltway. (R-05-0109)

MOTION: Workman moved and Hudkins seconded denial of Resolution 05-0109. Schorr and Stevens voted no. Heier abstained from voting. Workman and Hudkins voted aye. Motion failed.

MOTION: Schorr moved and Stevens seconded to place Resolution 05-0109 on pending. Workman voted no. Heier abstained from voting. Schorr, Stevens and Hudkins voted aye. Motion carried.

- 6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Setting of public hearings for Tuesday, October 4, 2005 in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. County Special Permit No. 05038, requested by Lyle Loth of ESP on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, to construct dwellings within 1,320 feet of a public lake on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska.

2. County Special Permit No. 05039, Wagon Train Estates Community Unit Plan requested by Lyle Loth of ESP on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, to develop six residential acreage units with associated waiver requests on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska.

3. County Preliminary Plat No. 05013, Wagon Train Estates, requested by Lyle Loth of ESP on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, to develop six residential acreage lots on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska.

B. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- ▶ **Dale E. Harlan, in the amount of \$12,187, near the South 68th Street Viaduct; Project C55-S-401(6). (C-05-0494)**
- ▶ **Richard and Nancy L. Schroder, in the amount of \$653.25, near the South 68th Street Viaduct; Project C55-S-401(6). (C-05-0495)**

MOTION: Stevens moved and Workman seconded approval of the Consent Items.

6) **NEW BUSINESS CONTINUED:**

Heier inquired about an administrative settlement listed on the right-of-way contract with Dale E. Harlan.

Heier suggested the contract be approved subject to an explanation of an administrative settlement and approval by the County Attorney's Office.

Both the maker of the motion and the seconder agreed.

CLARIFICATION OF MOTION: Stevens moved and Workman seconded approval of Consent Item 6A and 6B(2) and to also approve Consent Item 6B(1) subject to an explanation of an administrative settlement and approval by the County Attorney's Office.

ROLL CALL: Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:50 p.m.. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

Patricia Owen
Chief Deputy County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 27, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Kristy Mundt, Deputy County Attorney
Rob Ogden, Chief Field Deputy County Assessor/Register of
Deeds
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order 2:50 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 20, 2005.**

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated September 20, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 24 additions and deductions to the tax assessment rolls per Exhibit "A".

MOTION: Stevens moved and Workman seconded approval of the additions and deductions to the tax assessment rolls. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Cedars Youth Services
CenterPointe, Inc.
Gentle Shepherd Baptist Church
Lakeview Rest Home, Inc.
St. Thomas Aquinas Church**

MOTION: Workman moved and Stevens seconded approval of the motor vehicle tax exemptions. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:51 p.m.. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

Patricia Owen
Chief Deputy County Clerk